

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 8644 OF 2007

IN

WRIT PETITION NO. 5388 OF 2007

Satchikitsa Prasarak Mandal & Anr. vs. Director of Ayurved

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI &
R.V. MORE, JJ.
DECEMBER 18, 2007.

We have heard Shri Bhangde, learned Senior Advocate for the petitioners in the light of reply affidavit filed by the respondent Deputy Director dated 16.12.2007.

Shri Mujumdar, learned AGP has, on the basis of said reply, argued in support of the action taken by the Director.

Employees at whose instance the Director had initiated action had earlier filed Writ Petition No.865 of 2007 which came to be disposed of on 8.6.2007 by asking the Director to take appropriate action. Those employees have filed Civil Application No. 8644 of 2007 before this Court. During hearing, it has transpired that name of

applicant No.1 Dr. Fauzia Sultan Salim was mentioned in the show-cause notice which the present petitioners were called upon to meet. A direction dated 26.12.2006 issued by Health University to the petitioners to reinstate applicant No.2 – Dr. Zehra Faizan Haq is also pointed out by learned AGP to the Court.

After hearing learned counsel, we found it proper to first consider the application for intervention moved vide Civil Application No.8644 of 2007. Accordingly, we have heard Shri Haq, learned counsel for the applicants and Shri Bhangde, learned Senior Advocate for the petitioners. The learned Senior Advocate has argued that the applicants in said civil application were neither necessary nor proper party before the Director and therefore they were not heard when Director passed the order. As the validity of the orders passed by the Director is questioned, the employees are again not required to be heard.

Shri Haq, learned counsel for the intervenor makes a grievance that the entire action has been taken by the Director at the

instance of present applicants and he further states that the interest of applicants are therefore, vitally involved in the matter. He has certain other comments to offer about the impugned order.

In the circumstances, we are satisfied that the applicants in Civil Application No.8644 of 2007 need to be heard before proceeding further in the matter. We, therefore, allow their application only for intervention and add them as party intervenor in present writ petition. The learned AGP to supply a copy of reply filed, to their counsel within two days from today.

List the matter on 11th January 2008 at 2.30 PM for further consideration.

At this stage Shri Sambre, learned Government Pleader has stated that he has received some instructions which would curtail the scope of hearing in the matter. He is requesting to take up the matter tomorrow.

We find that such instructions can be disclosed to this Court on 11th January 2008. The intervenors to carry out necessary amendment in the petition within a period of one week from today.

List the matter for further consideration on 11th January 2008.

Interim orders already operating, to continue till then.

JUDGE

JUDGE

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